

ORDER RECEIVED FOR FILING
Date 11/15/88
By Robert Haines

IN RE: PETITION FOR ZONING VARIANCE
NE/2 Wilhelms Avenue, 500' N
of the c/l of Longview Avenue
(7621 Wilhelms Avenue)
14th Election District
7th Councilmanic District
Carl W. Tallagren, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-182-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 0 feet in lieu of the required 7 feet, and a front yard setback of 21 feet in lieu of the required 25 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Testimony indicated the subject property, known as 7621 Wilhelms Avenue, zoned D.R. 5.5, has been the home of Petitioners for approximately 5 years. Petitioners are requesting the variances to enable them to construct a brick and concrete block garage addition. Due to the topography of the land and location of the existing improvements, the side yard variance is necessary to construct a garage of sufficient width to store an automobile.

Petitioners testified the property that will be affected by the side yard variance request is currently used as a cemetery. Petitioners testified they presently maintain a 20-foot portion of the grass area which abuts the wooded area of the cemetery. Petitioners testified they have discussed their plans with the other adjoining property owners who have no objection. Petitioners further argued the granting of the variance-

es will not result in any detriment to the health, safety and general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of November, 1988 that the Petition for Zoning Variance to permit a side yard setback of 0 feet in lieu of the required 7 feet, and a front yard setback of 21 feet in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage addition shall contain no

living or sleeping quarters, and no kitchen or bathroom facilities.

ANN:hjs

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
410-333-2222 410-333-3355

November 18, 1988

Mr. & Mrs. Charles Tallagren, Jr.
7621 Wilhelms Avenue
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
NE/2 Wilhelms Avenue, 500' N of the c/l of Longview Avenue
(7621 Wilhelms Avenue)
14th Election District - 7th Councilmanic District
Charles W. Tallagren, Jr., et ux - Petitioners
Case No. 89-182-A

Dear Mr. & Mrs. Tallagren:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Mr. Charlotte Rodcliffe at 494-3391.

Very truly yours,
Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMH:hjs
cc: People's Counsel
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-182-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.1 to permit a side yard setback of 0 feet and a front yard setback of 21 feet in lieu of the required 7 feet and 25 feet, respectively.

Construction of a brick and concrete block garage addition with a concrete deck on top

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name) Carl W. Tallagren, Jr.
Signature [Signature]
Address 7621 Wilhelms Ave.
City and State Baltimore, MD 21237

Legal Owner(s):
(Type or Print Name) Carl W. Tallagren, Jr.
Signature [Signature]
Address 7621 Wilhelms Ave.
City and State Baltimore, MD 21237

Attorney for Petitioner:
(Type or Print Name) Carl W. Tallagren, Jr.
Signature [Signature]
Address 7621 Wilhelms Ave.
City and State Baltimore, MD 21237

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name SAME
Address 7621 Wilhelms Ave.
City and State Baltimore, MD 21237

Attorney's Telephone No.: 410-333-2222

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of November, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that a public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of November, 1988, at 12 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Beginning on the NE/2 of Wilhelms Avenue, 50 feet wide, at the distance of 550' North of the center-line of Longview Avenue. Being Lot 11 in the subdivision of Rose Terrace. Book No. 20, Folio 158. Also known as 7621 Wilhelms Avenue in the 14th Election District.

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8926
Dundalk, Md. 21222

October 27, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-182-A - P.O. #55236 - Rec. #40378 - 49 lines & \$44.50 - Was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 28th day of October 1988; that is to say, the same was inserted in the issues of Oct. 27, 1988

Kimbel Publication, Inc.
per Publisher.

By [Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th
Post for: Carl W. Tallagren, Jr.
Petitioner: Carl W. Tallagren, Jr.
Location of property: NE/2 Wilhelms Ave. 50' N of Longview Ave.
Location of Sign: 7621 Wilhelms Ave.
Location of Sign: 7621 Wilhelms Ave. 50' N of Longview Ave.
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
410-333-2222 410-333-3355

Mr. & Mrs. Carl W. Tallagren, Jr.
7621 Wilhelms Avenue
Baltimore, Maryland 21237

RE: Petition for Zoning Variance
CASE NUMBER: 89-182-A
NE/2 Wilhelms Avenue, 500' N of Longview Avenue
(7621 Wilhelms Avenue)
14th Election District - 7th Councilmanic District
Petitioner(s): Carl W. Tallagren, Jr., et ux
HEARING SCHEDULED: THURSDAY, NOVEMBER 15, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Tallagren:

Please be advised that \$44.50 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204, 15 minutes before 2:00 p.m.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 053978
DATE: 11/15/88 ACCOUNT: 89-182-A
AMOUNT: \$ 44.50
RECEIVED BY: [Signature]
FOR: Post & Signage
8 8112 *****5514
VALUATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
494-3363

J. Robert Haines
Zoning Commissioner

October 7, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

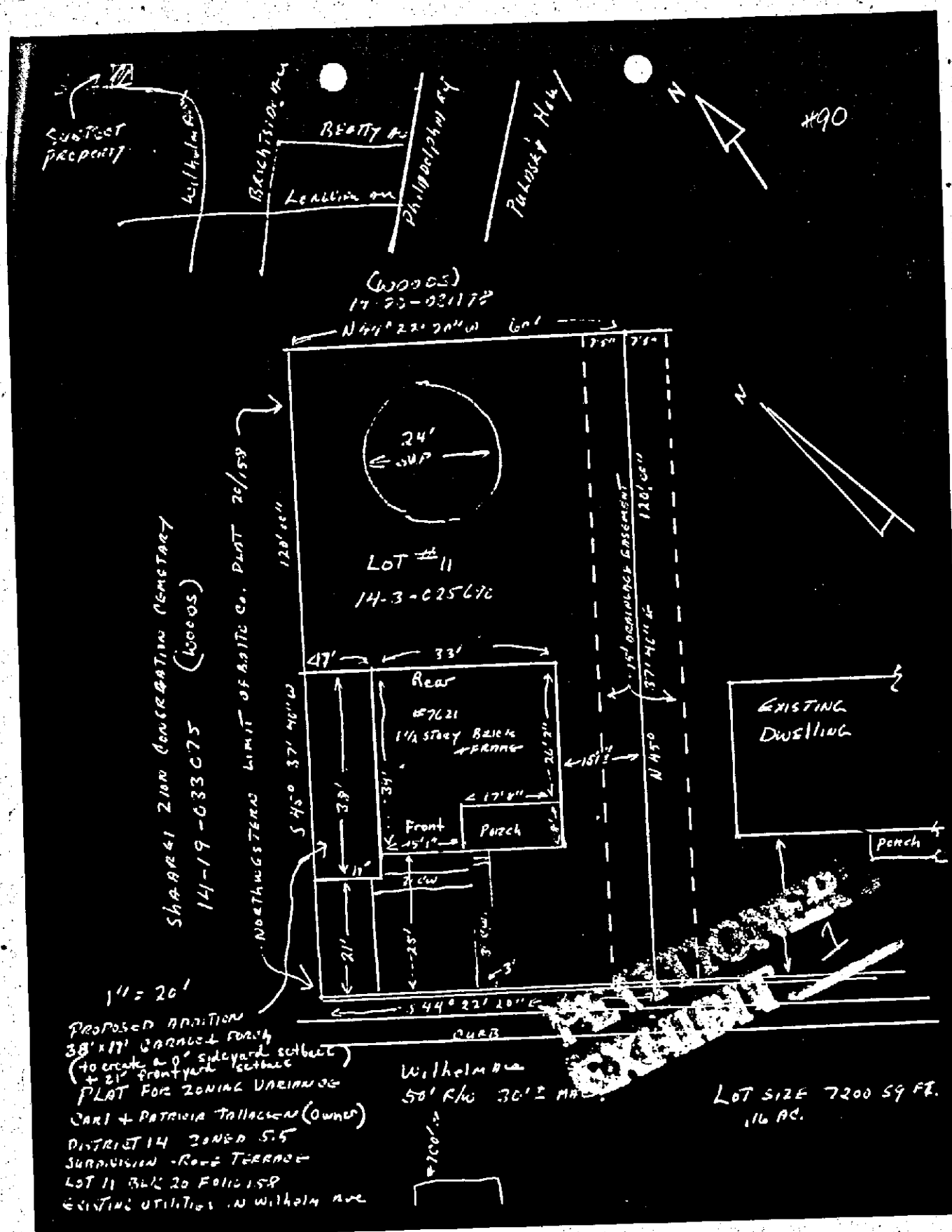
Petition for Zoning Variance
CASE NUMBER: 89-182-A
1725 Wilhelms Avenue, 550' N. of Longview Avenue
(1725 Wilhelms Avenue)
1000 Wilhelms Avenue, 700 Longview Avenue
Petitioner(s): Carl V. Tallagren, Jr., et ux
HEARING SCHEDULED: TUESDAY, NOVEMBER 15, 1988 at 2:00 p.m.*

Variance to permit a driveway setback of 0 feet and a frontyard setback of 21' in lieu of the required 7' and 25' (front average), respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Carl V. Tallagren, Jr., et ux

IF THREE (3) OF THE ZONING COMMISSIONERS ARE IN EFFECT IN BALTIMORE COUNTY BY 5:00 P.M. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND REMOVED TO THE NEXT BUSINESS DAY. PLEASE TELEPHONE DORSEY GLENN AT 494-3363 TO CONFIRM DATE.



89-182-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
14th day of September, 1988

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Carl V. Tallagren, Jr., et ux
Attorney: [Signature]

Received by: [Signature]
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinke
Chief

September 12, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Carl V. Tallagren, Jr., et ux
Location: NE/8 Wilhelms Avenue, 550' N. of c/l of Longview Ave.
Item No.: 90 Zoning Agenda: Meeting of 9/13/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at [Location] is not acceptable. The maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: [Signature] APPROVED: [Signature]
FIRE PREVENTION BUREAU
Special Inspection Division

John F. O'Neill

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Carl Tallagren
7621 Wilhelms Avenue
Baltimore, MD 21237

RE: Item No. 90; Case No. 89-182-A
Petition: Carl Tallagren, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Tallagren:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer, Jr.
Chairman
Zoning Plans Advisory Committee

JED:rcj
Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3364

October 11, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 65, 67, 86, 87, 89, 90, 91 & 92.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lab

RECEIVED ZONING OFFICE
DATE: 10/11/88

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

TO: [Signature]
FROM: [Signature]
SUBJECT: Zoning Petition Nos. 89-179-A (Rent Real Estate); 89-181-A (Rudie/Davison); 89-182-A (Tallagren); 89-184-X (Cares); 89-193-A (Waldorf)

The Office of Planning and Zoning has no comment on the above listed projects.

PS/st